

points of view

Just what is a normal person anyway?

JACK SHROPSHIRE'S dilemma is a weighty one, and the pressure is on all of us to help correct it.

Perhaps you've heard of Jack. Our state attorney general is investigating the 533-pound man's claim of job discrimination by a nearby township because of his weight. The township board refused to hire him into a paid job of transporting seniors, which he had been doing as a volunteer for nearly four years, according to news accounts.

Township officials contend Jack's size is a liability, according to information they received from their insurance carrier. They also received

a report from a doctor who conducted a physical on Jack, saying there was a concern about hygiene because of his size.

Jack's attorney calls it a "classic welfare case in reverse" of a man who is trained to do the work, but couldn't get the job.

But Jack's problem is really our problem, and it goes further than skin deep.

Here in Farmington Hills, a group of people are lodging a fight against another sort of discrimination, cultural and ethnic.

The Cultural Awareness Committee has made efforts towards better



Casey Hans

awareness, teaching people with these differences to not only live harmoniously together, but to learn to like each other despite any differences.

It's definitely a step in the right direction.

BUT WHAT of people like Jack,

and his type of discrimination? What can we do to stop the mimicking and the hurtful comments made against people who are not up to what we consider to be our "norms?"

Just what is a "normal" person anyway?

I guess the answer is to work on changing our "norms" and widening their scope. We should include people with disabilities and handicaps; people who are overweight, excessively tall or extremely short.

When people tease and make hurtful comments, we should not participate. Perhaps we can challenge such comments, or simply change the

subject.

Parents, educators and other adults must play a role in teaching youngsters in formative years not to harbor resentments and stereotypes — and those same adults must be role models of the same teachings.

AS JIM Agnew, new head of the Cultural Awareness Committee, said recently: "As people, we have the power to enrich others' lives — in general, humankind."

Although applied to the cultural problems of our day, Agnew's comments can also apply to any sort of bigotry or discrimination. Some fellow committee members have called

bigotry a fear. One that eats away at us and one that makes us push our discomfort aside.

In Jack Shropshire's case, the attorney general will make township board officials face their fear. These are the same officials who say Jack's hiring would be a "danger" to their community and a "liability."

Frankly, he was no more a danger or a liability when he worked as a volunteer driver.

Not until we face our fear, and begin accepting each other for what we are, flaws and all, will there ever be the sort of harmony we all claim to seek.

Judiciary given backbone transplant

HUNDREDS OF judges must have breathed signs of relief when former state Supreme Court Justice John W. Fitzgerald last week cleared Oakland Circuit Judge Alice Gilbert of misconduct charges.

Millions of common folk who pay taxes and buy liability insurance should have cheered, too, if they understood the far-reaching implications of this case.

Judge Gilbert had the rare courage to tell a jury it was wrong, that the \$7 million award in a medical malpractice case was "excessive to the point of being outrageous."

She ran just the \$5 million figure awarded the baby through a compound interest table and figured the kid would be worth \$14.5 million by age 18, \$25 million by age 24, and \$225 million by age 50. That, she said, would provide him "a most luxurious and extravagant living, which is available to few in the world."

Gilbert knocked down the award to \$107,000, with interest, will yield the injured party \$544,000. The plaintiff family has gone to the Court of Appeals, which is legit.

BUT A MISCONDUCT complaint by the staff of the Judicial Tenure Commission?

Fitzgerald put the social issue clearly. On one part of the complaint, he said, "Any remedy lies not in disciplinary proceedings but in civil appeal. To hold otherwise would sub-



Tim Richard

ject every trial judge in the state to excoriation and hindsight allegations by losing parties . . ."

Big bucks are at stake, not just for plaintiffs who win multi-million-dollar judgments but for the lawyers who take a one-third cut off the top.

The Michigan Trial Lawyers Association, with the pious smile of a Tartuffe, has a pat reply: "Let the jury decide."

Poor answer. A jury decides an individual case. It doesn't think about the precedents it sets for other cases and out-of-court settlements. It doesn't think about what it does to liability insurance rates when it makes calculating a premium impossible. It doesn't think about taxes when it pays damages with significant chunks of our road construction budgets. That's not a jury's job.

But it is a legislature's job to set caps on "pain and suffering" awards.

And it is a judge's job to set aside awards that result in "a most luxurious and extravagant living, which is available to few in the world."

THERE'S A MINDSET in society that it's OK to find the deepest pockets you can and empty 'em. Wayne County jurors are notorious for that mentality, which has spread into Oakland, too.

That mindset has been likened to a crap shoot or the lottery — a flawed analogy. In a crapshoot there are odds. In the lottery, you know the state won't pay out more than half of what it takes in.

But in liability cases, one can't calculate the odds because juries pick numbers out of the air as they go along. Society's oddsmakers can't calculate how much to set aside for damages to those who deserve compensation.

EX-JUSTICE Fitzgerald and Judge Gilbert deserve plaudits for giving the Michigan judiciary a backbone transplant.

This is not to give Judge Gilbert, whose term expires this year, a blanket endorsement. In an Open Meetings Act case, she wrote a positively dreadful opinion, accepting every lame alibi the Oakland University board of trustees could concoct for doing the public's business in secret.

Let's just say that in this case she has set an example of courage.

One hopes the "excoriation and hindsight allegations" of recent months don't take too much wind out of her sails.

SO, THE LAWYERS and insurance folks are at it again — figuring out another scam to make big bucks out of public misfortune.

This time they've flunged the state Legislature into passing a law that would mandate insurance for retailers who sell liquor. Minimum would be \$50,000.

Now it doesn't matter whether you're a nightclub specializing in the spirits or some VFW hall that serves beer to its members during football games. You've got to have this insurance.

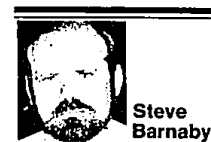
In short, you pay the fee or your liquor license is revoked. Real simple.

Appropriately, this law goes into effect on April 1 — you know, April Fool's Day. What a joke.

Of course advocates are touting this as a measure to protect retailers who have sold liquor to people who later get in hot water with the law for their drinking escapade.

CALLED THE Dram Shop Act, it provides that retailers assume liability for the incident once a victim or the survivors of the victim sue the person who was drinking.

Now on its face this may sound like a real hot idea. After all, if some drunk kills your spouse or kid, you're going to want to get all the money you can. If nothing else, it will make you feel like something at least was done to justify the wrong.



Steve Barnaby

It's time we insist the state Legislature cease being the work resources outlet for the legal profession in this state.

And, admittedly, it's pretty tough to feel sorry for businesses that make tons of bucks off of people getting loaded.

But that's not the point.

The real point is that you and I are increasingly paying through the nose because lawyers and insurance companies have systematically gone about hitting first one business, then another for all the dough they can get.

It's the old ambulance chaser routine.

As our society keeps mass producing lawyers, a bigger and bigger need exists to provide slop for their trough. Once they saturate an area, they make it their business to find another.

FOR YEARS now, the health care system, and the way you have been taken care of, have been burdened by these self-employed scalpers.

Physicians have been easy targets. After all, in the public's eye what's a couple of million bucks to a guy who has more money than you or I can ever imagine?

Hence, physicians and hospitals have been bombarded with lawsuits, so much so that it's getting more difficult to recruit physicians to come to Michigan. Borderline hospitals have actually moved across state lines.

Municipalities have also been victimized. The most popular suit around is when a city is sued after somebody rams their car into a tree. You guessed it. Cities lose those cases and end up spending your tax dollars because some lawyer figured out an angle on how to make a easy buck.

It's time we insist the state Legislature cease being the work resources outlet for the legal profession in this state.



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